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Date: February 29, 2008

Pages: - 4 -
(Including Cover)

To:	Examiner POPE, Darryl C.
Re:	Appln Serial No. 10/761,988
Dept./Co.:	U.S. Patent Office,
Fax:	571-273-8300
Phone:	
From:	Jeffrey A. Proehl, Reg. No. 35,987
Ref:	Atty Docket No. P1979US01
Fax:	605-232-2612
Phone:	605-232-1967

MESSAGE:

Transmitted herewith, please find:

- 1.) Petition for Revival of Application under 37 CFR 1.137(b)
- 2.) Authorization to Charge Deposit Account
- 3.) Part B Fee Transmittal

CERTIFICATION UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being transmitted, via facsimile, to the Commissioner of Patents, Washington, D.C., on the date indicated above, and to the proper USPTO facsimile telephone number, shown above.

Name: Lori Boulware

Signature: Lori Boulware

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002/005

FEB 29 2008

PTO/SB/64 (01-08)

Approved for use through 02/29/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
P1979US01

First named inventor: PRUCHNIAK, Wayne M.

Application No.: 10761,988

Art Unit: 2612

Filed: 01/21/2004

Examiner: POPE, Darryl C.

Title: POWERLINE NETWORKING DEVICE

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

03/03/2008 PCHOMP1 00000003 500439

01 FC:1453

1540.00 DA

10761988

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1540.00 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in the form of Issue Fee Transmittal (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1700.00

- ☐ has been paid previously on _____.
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB 29 2008

PTO/SB/64 (01-08)

Approved for use through 01/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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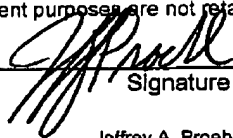
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

Jeffrey A. Proehl

Typed or printed name

Gateway, Inc. Mail Stop Y-04

Address

610 Gateway Dr., N. Sioux City, SD 57049

Address

FEB 29, 2008

Date

35,987

Registration Number, if applicable

(605) 232-2000 Ext. 26809

Telephone Number

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Issue Fee Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.2-29-08
Date


Signature

Lori Boulware

Typed or printed name of person signing certificate

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FEB 29 2008

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PRUCHNIAK, Wayne M.
Serial No.: 10/761,988
Filed: 1/21/2004
Title: POWERLINE NETWORKING DEVICE

Examiner: POPE, Darryl C.
Group Art Unit: 2612
Docket: P1979US01


Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge Deposit Account No. 50-0439 for the Petition fee under 37 CFR 1.17 (m) in the amount of \$1540.00, as well as charge any fee deficiencies and credit any overpayments.

Respectfully submitted,

GATEWAY, INC.

By: 
Jeffrey A. Proehl (Reg. No. 35,987)
Customer No. 24,333
610 Gateway Dr., Y-04
N. Sioux City, SD 57049
Telephone (605) 846-2042 ext. 26809 (Lori Boulware – pat. assist.)
Fax (605) 232-2612

Date: FEB 29, 2008